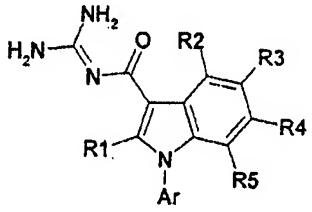
Claim Amendments

This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims

1. (Original) A compound of the formula (I)



(I)

wherein,

R1 is hydrogen or alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

R2 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, NRaRb or polyfluoroalkyl having 1, 2, 3 or 4 carbon atoms,

Ra and Rb

are independently of each other hydrogen, linear or branched alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms or Ra and Rb form, together with the nitrogen atom to which they are attached, a 5- or 6-membered heterocycle, which may optionally contain another hetero atom chosen from O, S and N,

R3 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R4 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R5 is hydrogen or halogen,

Ar is a 9- or a 10-membered bicyclic heteroaryl having one, two or three nitrogen atoms, which may be linked via any of its positions,

or a racemic mixture, enantiomer, diastereomer, or tautomer of such compound, or a mixture thereof, or a pharmaceutically acceptable salt of such compound, racemic mixture, enantiomer, diastereomer, tautomer, or mixture.

2. (Original) A compound according to claim 1, wherein

R1 is hydrogen or alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

R2 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, NRaRb or polyfluoroalkyl having 1, 2, 3 or 4 carbon atoms,

Ra and Rb

are independently of each other hydrogen, linear or branched alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms or Ra and Rb form, together with the nitrogen atom to which they are attached, a 5- or 6-membered heterocycle, which may optionally contain another hetero atom chosen from O, S and N,

R3 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R4 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R5 is hydrogen or halogen,

Ar is quinoline, isoquinoline, cinnoline or 7H-pyrrolo-[2,3-d]-pyrimidine, which may be linked via any of its positions.

3. (Original) A compound according to claim 1 wherein

R1 is hydrogen or alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

R2 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, NRaRb or polyfluoroalkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

Ra and Rb

are independently of each other hydrogen, linear or branched alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms or Ra and Rb form, together with the nitrogen atom to which they are attached, a 5- or 6-membered heterocycle, which may optionally contain another hetero atom chosen from O, S and N,

R3 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R4 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R5 is hydrogen or halogen,

Ar is quinoline, which may be linked via any of its positions.

4. (Original) A compound according to claim 1 wherein

R1 is hydrogen or alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

R2 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, NRaRb or polyfluoroalkyl having 1, 2, 3, 4, 5 or 6 carbon atoms,

Ra and Rb

are independently of each other hydrogen, linear or branched alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms or Ra and Rb form, together with the nitrogen atom to which they are attached, a 5- or 6-membered heterocycle, which may optionally contain another hetero atom chosen from O, S and N,

R3 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R4 is hydrogen, alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms, halogen, alkoxy having 1, 2, 3, 4, 5 or 6 carbon atoms or hydroxyl,

R5 is hydrogen or halogen,

Ar is isoquinoline, which may be linked via any of its positions.

5. (Original) A compound according to claim 1 which is:

3-guanidinocarbonyl-1-(isoquinol-1-yl)-1H-indole,

3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,

3-guanidinocarbonyl-1-(quinol-2-yl)-1H-indole,

3-guanidinocarbonyl-1-(isoquinol-1-yl)-5-methyl-1H-indole,

3-guanidinocarbonyl-5-methyl-1-(quinol-2-yl)-1H-indole,

3-guanidinocarbonyl-5-methyl-1-(quinol-4-yl)-1H-indole,

3-guanidinocarbonyl-1-(quinol-3-yl)-1H-indole,

3-guanidinocarbonyl-1-(quinol-6-yl)-1H-indole,

3-guanidinocarbonyl-1-(quinol-8-yl)-1H-indole,

3-guanidinocarbonyl-1-(isoquinol-3-yl)-1H-indole,

3-guanidinocarbonyl-6-methoxy-1-(quinol-4-yl)-1H-indole,

3-guanidinocarbonyl-6-hydroxy-1-(quinol-4-yl)-1H-indole,
6-fluoro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
5-fluoro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
4-chloro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
5-chloro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
6-chloro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
4-fluoro-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
3-guanidinocarbonyl-4-methyl-1-(quinol-4-yl)-1H-indole,
3-guanidinocarbonyl-4-trifluoromethyl-1-(quinol-4-yl)-1H-indole,
4-dimethylamino-3-guanidinocarbonyl-1-(quinol-4-yl)-1H-indole,
3-guanidinocarbonyl-1-(cinnolin-4-yl)-1H-indole, or
5-methoxy-3-guanidinocarbonyl-1-(cinnolin-4-yl)-1H-indole,
or a tautomer thereof or a pharmaceutically acceptable salt of such compound or tautomer.

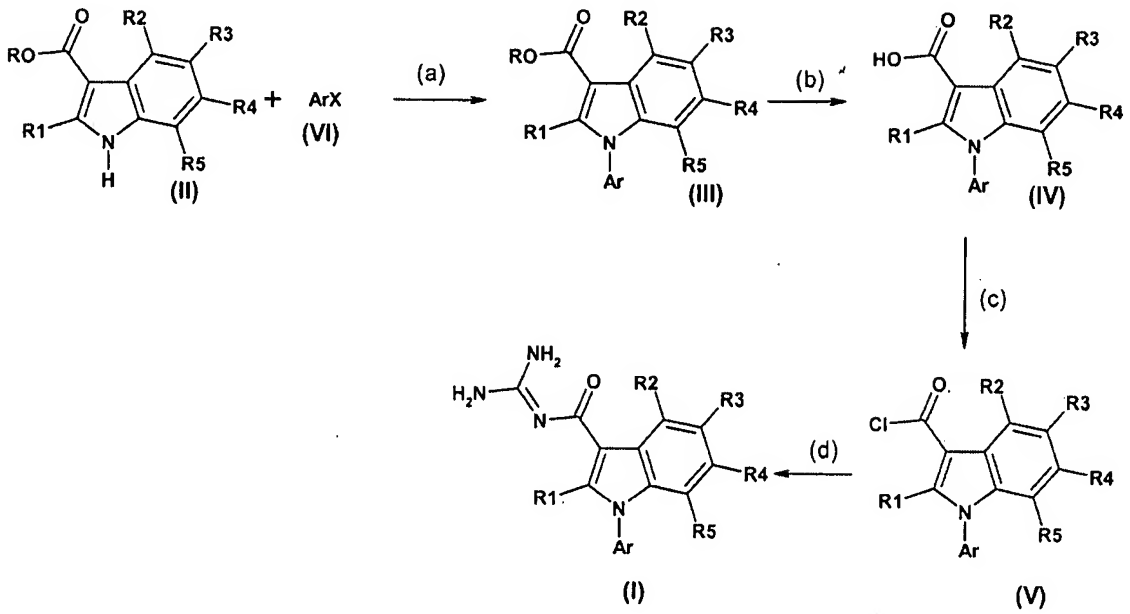
6. (Original) A pharmaceutical composition for human, veterinary, or phytoprotective use comprising an effective amount of a compound according to claim 1 together with a pharmaceutically acceptable medium.

7. (Canceled).

8. (Previously presented) A method for the treatment of cardiovascular disease, metabolic disease, cancerous disease, or fibrotic disease comprising administering to a patient in need thereof, an effective amount of a compound according to claim 1 to inhibit the cellular sodium-proton antiporter (Na+/H+-exchanger) activity of said patient.

9 – 48. (Cancelled)

49. (Currently amended) A process for the preparation of a compound according to claim 1 ~~characterised in that~~ comprising the following steps:



a) reacting a heteroaryl halide ArX of the formula (VI) ~~is reacted~~ with a 3-alkoxycarbonyl-1H-indole of the formula (II);

b) saponifiying the obtained 3-alkoxycarbonyl-1-heteroaryl-indole of the formula (III) ~~is saponified~~;

c) converting the 3-carboxy-1-heteroaryl-indole of the formula (IV) ~~is converted~~ in the acid chloride of formula (V);

d) reacting the obtained product of formula (V) ~~is reacted~~ with guanidine,

the product is isolated and is optionally converted into a pharmaceutically acceptable salt,

wherein in the compounds of the formula II, III, IV, V and VI

Ar, R1, R2, R3, R4 and R5 are defined as in claim 1,

X is F, Cl, Br or I and

R is alkyl having 1, 2, 3, 4, 5 or 6 carbon atoms.

50 – 64. (Cancelled)

Statement of Unintentional Delay Pursuant to 37 C.F.R § 1.137(b)

Applicants hereby state that the entire delay in filing a reply from the due date of the reply until the filing of this petition was unintentional. Specifically, the Office Action mailed to Applicants on November 24, 2006, was erroneously docketed without a responsive date and was, therefore, not brought to the attention of Applicants' attorney until the expiration of the statutory deadline. An attempt by an Examiner to contact Joseph Rossi, an attorney, who previously submitted a response in the pending case, was misdirected as the aforementioned attorney is no longer at attorney of record in the case. The undersigned acknowledges receipt of the Notice of Abandonment mailed on June 21, 2007, and in good faith, after a review of the circumstances, affirms that the present application was unintentionally abandoned. Pursuant to 37 C.F. R § 1.137 (b), Applicants submit that the present petition is timely submitted - within two months of the receiving the Notice of Abandonment.